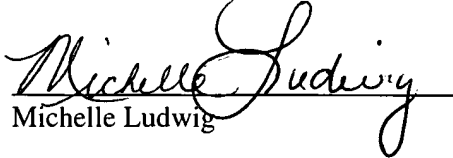


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this 25 day of August, 2004.


Michelle Ludwig

In re application of: Martinell et al.)
) Examiner: Georgia L. Helmer
Serial No.: 09/683,399)
) Group Art Unit: 1638
Filed: December 21, 2001)
) Conf. No. 2956
For: PLANT TRANSFORMATION PROCESS)
WITH SELECTION AND EARLY)
IDENTIFICATION OF GERMLINE)
EVENTS)

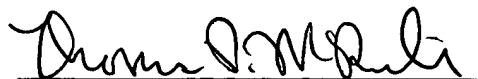
MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER

Transmitted herewith are the following documents in the above-identified application.

- X Response to Election/Restriction Requirement Under 35 U.S.C. §121
- X If an extension or an additional extension of time is required, but is not enclosed, please consider this a conditional petition therefor and charge Deposit Account 13-4125 accordingly.
- X No fee is believed required with this filing.
- X Please charge any deficiencies or credit any overpayment to Deposit Account 13-4125. A duplicate copy of this sheet is attached.

Respectfully submitted,



Thomas P. McBride
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1638
JFW

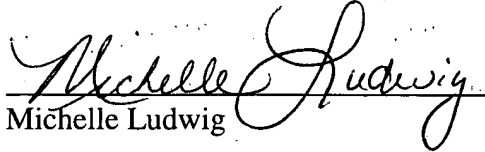
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RESPONSE TO ELECTION/RESTRICTION REQUIREMENT UNDER 35 U.S.C. §121

This paper is filed in response to the Office communication dated July 29, 2004. It is respectfully requested that the election below be entered with traverse and that the application be examined on the merits.

REMARKS

In the action dated July 29, 2004, the U.S. Patent and Trademark Office required restriction under 35 U.S.C. 121 from among the following groups:

I. Claims 1-19, drawn to a method of early identification of germline transformed plants comprising transforming tissue with at least one nucleic acid sequence encoding a protein to obtain transformed plant tissue, classified in class 800 subclass 278, for example

II. Claims 20-21, drawn to a method of early identification of germline transformed plants comprising transforming tissue with at least one nucleic acid sequence encoding an antisense gene to obtain transformed plant tissue, classified in class 800 subclass 286, for example.

Applicants elect Group I consisting of Claims 1-19 with traverse and respectfully request that the application be examined on the merits. Applicants believe that it would not create an undue burden on the Examiner to conduct a search encompassing all of the claims. Further, Applicants reserve the right to file divisional applications to further prosecute non-elected groups.

Should any questions arise or if Applicants or Applicants' attorney can facilitate the examination of this application, it is respectfully requested that the PTO contact the undersigned attorney.

Respectfully submitted,



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